

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

WILLIAM LEE ANDERSON, II,)	
)	
Petitioner,)	Case No. 7:24CV00017
)	
v.)	OPINION
)	
WARDEN MIKE SEVILLE,)	JUDGE JAMES P. JONES
)	
Respondent.)	

William Lee Anderson, II, Pro Se Petitioner.

The petitioner, proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2009 convictions in Washington County, Virginia, Circuit Court for bank robbery and obstruction of justice.¹ I find the petition to be successive and dismiss it pursuant to 28 U.S.C. § 2244(b).²

¹ Because Anderson challenges state court convictions from a state court, the Clerk docketed his filings as a § 2254 petition. His submissions include a form motion under 28 U.S.C. § 2255, which is a legal remedy designated for inmates challenging criminal judgments imposed by a federal court. Anderson's belief that he could use a § 2255 motion to obtain records from a Virginia state court has no basis in fact or law. Therefore, the Clerk has docketed his § 2255 motion only as an attachment to the § 2254 petition.

² Under Rule 4(b) of the Rules Governing § 2254 Cases, the court may summarily dismiss a § 2254 petition when it plainly appears from the petitioner's submissions that he is not entitled to relief.

This court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. 28 U.S.C. § 2244(b). The petitioner previously filed a § 2254 petition concerning this same conviction and sentence. *Anderson v. Dir. of Dep't of Corr.*, No. 7:12CV00323 (W.D. Va. Aug. 8, 2012) (dismissing § 2254 petition as untimely filed), *appeal dismissed*, 502 F. App'x 261 (4th Cir. 2012) (unpublished). Because the petitioner offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2254 petition, I must dismiss his current action without prejudice.

A separate Final Order will be entered herewith.

DATED: January 10, 2024

/s/ JAMES P. JONES
Senior United States District Judge